

**Department of State
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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee State Board of Education
Division:	N/A
Contact Person:	Angie Sanders
Address:	710 James Robertson Parkway, 1 st Floor, Nashville, TN 37243
Phone:	615 253-5707
Email:	Angela.C.Sanders@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Angie Sanders
Address:	710 James Robertson Parkway, 1 st Floor, Nashville, TN 37243
Phone:	615 253-5707
Email:	Angela.C.Sanders@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	710 James Robertson Parkway, 1 st floor		
Address 2:	Andrew Johnson Tower, Multi Purpose Room		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	07/29/2019		
Hearing Time:	1:00 PM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

The multipurpose room is located on the first floor of the Andrew Johnson Tower. Please bring identification so that you may be checked in to the building by security and issued a visitor pass.

Revision Type (check all that apply):

Amendment

New

Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
Rule Number	Rule Title
0520-14-01	Charter Schools
0520-14-01-.06	Amendments to the Charter Agreement

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Chapter Number	Chapter Title
Rule Number	Rule Title

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

0520-14-01-.06 AMENDMENTS TO THE CHARTER AGREEMENT.

- (1) Charter Amendments.
 - (a) An authorizer's approval of a public charter school application shall be in the form of a written charter agreement, signed by the sponsor and the authorizer which shall be binding upon the governing body of the public charter school. The charter agreement for a public charter school shall be in writing and contain all material components of the approved application. The governing body of the public charter school may petition the authorizer to amend the original charter agreement.
 - (b) An amendment to the original charter agreement shall be required for any material modification to the provisions of a public charter school's charter agreement.
 - (c) A material modification to a charter agreement is defined as a substantive change to the terms of the charter agreement regarding a charter school's governance, financial, operational, or academic structure. Material modifications include, but are not limited to:
 1. Change in governance structure (including, but not limited to, a change in the non-profit entity governing the school), or addition of or changes to the charter management organization;
 2. The addition or removal of grade levels;
 3. Changes in student enrollment which fall outside of the minimum or maximum enrollment thresholds set forth in the charter school's charter agreement;
 4. Changes to the transportation plan set forth in the charter school's charter agreement;
 5. Changes to the charter school's location, if outside the geographic area set forth in the charter agreement; and
 6. Changes identified in the charter agreement as material modifications or amendments.
 - (d) Authorizers shall create and publish an amendment petition application (the "application") and rubric and review all complete and timely applications.
 - (e) On July 1 of the year preceding the year in which the proposed amendment will take effect, the governing body of the charter school shall file an amendment petition letter of intent with the authorizer. If the July 1 due date falls on a Saturday, Sunday or state-observed holiday, the letter of intent shall be due on the next business day.
 - (f) On August 1 of the year preceding the year in which the proposed amendment will take effect, the governing body of the charter school shall file an amendment application with the authorizer. If the August 1 due date falls on a Saturday, Sunday, or state-observed holiday, the application materials shall be due on the next business day.
 - (g) The authorizer shall rule by resolution, at a regular or special called meeting, on the approval or denial of an amendment application within sixty (60) calendar days of the application due date. Applications may be submitted prior to the due date; however, all complete and timely applications shall be reviewed and acted upon within sixty (60) calendar days following the due date.

- (h) Should the authorizer fail to either approve or deny a complete and timely amendment application within the sixty (60) calendar day time limit, the amendment application shall be deemed approved.
- (i) If an amendment application is denied, the grounds upon which the authorizer based the decision to deny must be stated in writing, specifying the reasons for the denial.
- (j) An emergency amendment petition application ("emergency application") may be submitted to the authorizer after the August 1 due date for amendment applications if the governing body of the charter school makes a finding by resolution at a regular or special called meeting of the governing body that due to unanticipated, extraordinary circumstances, good cause exists for the emergency application to be submitted.
 - 1. In order for an emergency application to be complete, the governing body shall include with the emergency application detailed written findings explaining the unanticipated, extraordinary circumstances giving rise to the emergency application.
 - 2. The authorizer shall rule by resolution, at a regular or special called meeting, on the approval or denial of an emergency application within forty five (45) calendar days of the date the application was submitted to the authorizer.
 - 3. Should the authorizer fail to either approve or deny a complete emergency application within the forty five (45) calendar day time limit, the emergency application shall be deemed approved.
 - 4. If an emergency application is denied, the grounds upon which the authorizer based the decision to deny must be stated in writing, specifying the reasons for the denial.

(2) Appealing an Amendment Decision.

- (a) The governing body of a public charter school may appeal a decision by the authorizer to deny an amendment to the charter agreement to the State Board of Education within ten (10) calendar days of the denial. However, if the authorizer is the State Board or the Public Charter School Commission, then no appeal may be made. The governing body of a charter school shall submit a notice of appeal by email to the State Board. The notice of appeal must be received by the State Board by 4:30 p.m. Central Time on the tenth (10th) calendar day. In order to be considered a complete appeal, the notice of appeal shall contain the following information:
 - 1. A copy of the original charter agreement that contains all material components of the approved application;
 - 2. A copy of the amendment application submitted to the authorizer;
 - 3. A summary of the application timeline including the date the application was originally submitted to the authorizer and the date the application was denied by the authorizer;
 - 4. A copy of the letter informing the governing body of the authorizer's reasons for denying the application; and
 - 5. A brief statement, no longer than three (3) pages, including but not limited to, an explanation of why the authorizer's denial of the charter school amendment application was contrary to the best interests of the students, LEA, or community.
- (b) State Board staff shall not accept an incomplete appeal or any additional documentation from the governing body of the charter school beyond the contents of the notice of appeal, unless requested by the State Board staff.
- (c) State Board staff may request additional documentation from the governing body, the authorizer, and the Tennessee Department of Education,
- (d) Within sixty (60) calendar days after receipt of the notice of appeal and after reasonable

public notice, the State Board shall hold a public hearing. The public hearing shall be attended by the State Board or its designated representative and shall occur in the school district in which the proposed charter school is operating.

- (e) Following the review of the amendment application and any additional information collected by the State Board, the Executive Director of the State Board shall provide written findings and recommendations to the State Board. The State Board shall consider the findings and recommendations of the Executive Director when rendering a decision on the appeal, but the Board is not bound by the recommendation.
- (f) Subsequently, but within the sixty (60) calendar days after receipt of the notice of appeal, the State Board shall meet to render a decision. If the State Board finds that the denial of the amendment application is contrary to the best interests of the students, LEA, or community, the State Board shall remand the decision to the authorizer with written instructions for approval of the amendment application. The State Board shall not become the authorizer and the charter school shall remain under the supervision of the authorizer to whom the amendment application was submitted. The decision of the State Board is final and no other appeals shall be made.

Authority: T.C.A. § 49-13-110; Acts 2019, Ch. 219. **Administrative History:**

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 5/31/19

Signature: Tess J. Stovall

Name of Officer: Tess Stovall

Title of Officer: Director of Charter Schools

Subscribed and sworn to before me on: 5-31-19

Notary Public Signature: C. Griffin

My commission expires on: 3-8-21

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Filed with the Department of State on: _____

Tre Hargett
Secretary of State